

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

TANAJEE MADDOX as Administratrix of the
Estate of Gary Terrance Porter,

Plaintiff,

5:19-cv-00678 (BKS/MJK)

v.

SYRACUSE POLICE OFFICER KELSEY
FRANCEMONE, sued herein in her capacity as an
individual,

Defendant.

Hon. Brenda K. Sannes, United States District Judge:

SUPPLEMENTAL JURY INSTRUCTION

Based on your verdict, the Court must rule on an affirmative defense raised by the Defendant for which I require your assistance in making some related factual findings. I am therefore going to ask you to answer a series of factual questions or special interrogatories. You will notice that these questions ask you whether the Defendant has established certain facts by a preponderance of the evidence, where as your prior verdict reflected a decision as to whether the Plaintiff satisfied its burden of proof by a preponderance. You need not concern yourself with why the burden of proof is different with respect to these special interrogatories; but you should determine whether the Defendant established the facts which are the subjects of these questions, as posed.

Your responses to these special interrogatories must reflect your unanimous agreement as to each answer. After you have answered these questions, your foreperson should sign and date the special interrogatory form and advise the court security officer that you have completed it.